

## REMARKS

### STATUS OF THE CLAIMS

Claims 1-18 are pending in the application.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sobel, U.S. Pub. No. 2004-0103310.

Claims 19-26 have been added.

No new matter has been added.

#### Sobel is Not Prior Art

A Request for Continued Examination is being filed along with this Amendment and a Request for Suspension of Action under 37 CFR 1.103(c). A Declaration under 37 CFR 1.131 is submitted, along with a Japanese invention disclosure declaration (1 page) including the specification which was written by inventor (5 pages) (submitted concurrently herewith as Attachment attached hereto), along with an English translation thereof, which establishes Sobel is not a valid prior art reference. The Japanese invention disclosure declaration and specification written by the inventor in which the deleted dates are prior to the effective date of Sobel are submitted concurrently herewith, thus, this Amendment complies with 37 CFR 1.114 as a submission of new evidence in support of patentability by overcoming the effective date of Sobel (MPEP 715). Applicant requests suspension of action to afford time for English translation of the Japanese invention disclosure declaration (1 page) including the specification which was written by inventor (5 pages) (submitted concurrently herewith as Attachment attached hereto) and preparation of an English Declaration under 37 CFR. 1.131 as new evidence of patentability by the inventor who is in Japan. See also remarks below.

Further, new independent claim 19 patentably distinguishes over Sobel, and, thus, this Amendment complies with 37 CFR 1.114 as a submission.

The claims have been rejected under 35 USC §102(e) based on Sobel (US2004/0103310). However, the effective date of Sobel is November 27, 2002 (2002/11/27). On the other hand, the date of invention of the present invention deleted, for example, in the Invention Date Section (B) of the attached inventor invention disclosure declaration including the specification written by the inventor, is before the effective date of Sobel. Thus, the invention

date of the present invention is earlier than the filing date of Sobel, and Sobel is not a valid prior art.

New claim 27:

New claim 27 provides "determining a security level of the user terminal upon access to the network from the user terminal, based upon security information updating history of the user apparatus, port access information of the user terminal, programs and/or scripts downloaded and/or executable at the user terminal, or any combinations thereof" and "ensuring a security level on the network, according to the determined security level of the user terminal."

Further, new dependent claims provide "19. (New) The security management device according to Claim 1, wherein the user apparatus is established to afford the network." and "20. (New) The security management device according to claim 1, wherein the access control unit, in case the judging unit judges that the security level of the user apparatus has reached the predetermined security level, dose not restrict the access permission range on the network by the user apparatus."

Because Sobel is not valid prior art, allowance of pending claims is respectfully requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
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